



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-4067/P1

MGD:RLR:ch

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D - Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Regen

1 AN ACT *to repeal* 343.237 (3) (d), 940.20 (2m) (a) 2., 940.20 (4), 940.20 (5),
2 940.203, 940.205, 940.207, 941.31, 943.013, 943.015, 947.012 (1) (a), 947.0125
3 (2) (a), 947.0125 (2) (b) and 947.015; *to renumber* 947.02, 947.04, 947.06 and
4 968.40 (1); *to renumber and amend* 440.475 (1), 939.648 (2) (c), 940.41,
5 940.42, 940.43, 940.44, 940.45, 940.46, 940.47, 940.48, 940.49, 946.64, 968.26
6 and 968.30 (5); *to consolidate, renumber and amend* 940.20 (2m) (a) (intro.)
7 and 1.; *to amend* 48.685 (5) (bm) 4., 59.54 (6), 115.31 (2g), 118.19 (4) (a), 165.55
8 (3), 165.70 (1) (b), 301.048 (2) (bm) 1. a., 301.048 (2) (bm) 1. a., 301.048 (2) (bm)
9 1. a., 301.048 (2) (bm) 1. a., 786.36 (4), 895.01 (1) (g), 895.035 (4a) (a) 2., 895.035
10 (4a) (a) 2., 938.396 (2) (j), 938.78 (3), 939.22 (21) (k), 939.22 (21) (L), 939.31,
11 939.32 (1) (c), 939.632 (1) (e) 1., 939.632 (1) (e) 3., 939.648 (2) (intro.), (a) and
12 (b) (intro.), 939.648 (3) and (4), 940.20 (2), 940.20 (2m) (title), 940.20 (2m) (b),
13 940.20 (6) (b) (intro.), 940.201 (1) (b), 941.26 (1) (a), 941.26 (2) (a), 941.26 (3),
14 941.27 (2), 941.38 (1) (b) 11., 941.38 (1) (b) 12., 943.011 (1) (b), 943.017 (2m) (a)
15 2., 943.05, 943.201 (1) (a), 946.82 (4), 946.82 (4), 946.82 (4), 946.82 (4), 968.27

(intro.), 968.28, 968.30 (1) (intro.), 968.30 (4) (intro.), 968.30 (7) (d) (intro.), 968.31 (3), 969.02 (4m), 969.03 (2m), 969.08 (10) (b), 969.08 (10) (b), 969.08 (10) (b), 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; **to repeal and recreate** 968.31 (2m) (intro.); and **to create** 165.25 (2m), 440.475 (1) (b), 440.475 (1) (c), 939.22 (21) (Lo), 939.32 (1) (f) and (g), 939.32 (1) (h), 939.648 (2) (c) 3., 940.204, 941.375, 941.38 (1) (b) 12o., 943.0135, 943.20 (3) (e), 946.605 (1c), 946.605 (1e), 946.64 (2), 946.64 (3), 946.78, 946.79, 947.03, 947.05, 947.07, 947.08, 968.26 (2), 968.265, 968.27 (14m), 968.275, 968.30 (6m), 968.30 (11), 968.31 (2) (am), 968.31 (2g), 968.40 (1) (a) and 971.367 of the statutes; **relating to:**

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~~communicating with, or harassing or intimidating, jurors; threatening to cause bodily harm or property damage; causing bodily harm or threatening to cause bodily harm to a public officer or employee and threatening to damage the property of a public officer or employee; crimes that may entail the interception of wire, electronic, or oral communication, interception of communications in emergency situations, roving electronic surveillance, and providing assistance to persons authorized to engage in electronic surveillance; increased penalties for crimes committed with intent to terrorize; the process for making a legal name change; access to license and identification card photographs; interfering with disarmament of an explosive or a destructive device; prohibitions related to automatic weapons; theft of a firearm or a machine gun; prohibitions related to explosives, destructive devices, detonators, or weapons of mass destruction; providing or soliciting material support for acts of terrorism; grand jury authority; John Doe proceedings; court orders for disclosure of the existence of depository accounts with financial institutions; court orders for disclosure regarding subscribers to electronic communications services; money~~

laundering, making false statements to financial institutions, the definition of personal identification document providing a penalty; and providing penalties.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -4077/P2 ***

Current law prohibits communicating with a person summoned or serving as a juror with the intent to influence the person with respect to his or her involvement in a legal proceeding, unless the communication occurs in the regular course of the legal proceeding. A person who violates this prohibition is guilty of a Class E felony. This bill makes that prohibition applicable to communications made with the same intent to family members of the person summoned or serving as a juror. It also specifies that the prohibition applies to both direct and indirect communication. In addition, under the bill, no person may communicate directly or indirectly with a juror, a former juror, or a family member of a juror or former juror with the intent to annoy, harass, frighten, threaten, abuse, or intimidate the juror, the former juror, or the family member because of a verdict returned by the juror or because of the juror's participation in any criminal or civil trial or matter. A person who violates this prohibition is guilty of a Class E felony.

This bill establishes a higher penalty for either of these juror-related offenses if any of the following applies: 1) the act is accompanied by force or violence, or attempted force or violence, upon the juror, the prospective juror, or the former juror or one of his or her family members; 2) the act is accompanied by damage to the property of the juror, the prospective juror, or the former juror or one of his or her family members; 3) the act is accompanied by an express or implied threat of force, violence, or property damage; 4) the act is in furtherance of any conspiracy; 5) the person has a prior conviction for juror, witness, or victim intimidation under any federal or state law; or 6) the act is committed at another person's request and for monetary gain or some other benefit. (These circumstances are the same as those that differentiate the Class A misdemeanor version of witness or victim intimidation from the Class E felony version of witness or victim intimidation.) A person who violates either of the prohibitions described in the preceding paragraph under any of these circumstances is guilty of a Class D felony.

Finally, this bill makes certain other statutes that relate to witness or victim intimidation applicable to these juror-related offenses. Thus, a person who attempts to commit any of the juror-related offenses described in this section of the analysis is guilty of the offense he or she attempts. By contrast, a person attempting to commit a typical Class D or Class E felony is subject to one-half the maximum penalty for the completed offense. In addition, if a court having jurisdiction over a criminal matter is provided evidence that any of these juror-related offenses has occurred or is reasonably likely to occur, the court may issue certain orders to prevent the offense from occurring or recurring. Finally, this bill permits a court to revoke the release of a defendant who commits or causes or encourages another person to commit any of these juror-related offenses.

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See Analysis IN set

Keep period

INSERT-
AN

Unlawful
communications
with jurors

***** ANALYSIS FROM ~~-4078/P2~~ *****

This is a preliminary draft. An analysis will be provided in a later version.

***** ANALYSIS FROM ~~-4079/P2~~ *****

This is a preliminary draft. An analysis will be provided in a later version.

***** ANALYSIS FROM ~~-4301/P1~~ *****

This is a preliminary draft. An analysis will be provided in a later version.

***** ANALYSIS FROM ~~-4097/P2~~ *****

This is a preliminary draft. An analysis will be provided in a later version.

***** ANALYSIS FROM ~~-4081/P2~~ *****

This is a preliminary draft. An analysis will be provided in a later version.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 *~~-4079/P2.1~~* **SECTION 1.** 48.685 (5) (bm) 4. of the statutes is amended to read:

2 48.685 (5) (bm) 4. A violation of s. 940.19 (2), (3), (4), (5) or (6), 940.20, ~~940.203,~~
3 ~~940.205 or 940.207~~ or 940.204 or an offense under ch. 961 that is a felony, if
4 committed not more than 5 years before the date of the investigation under sub. (2)
5 (am).

6 *~~-4078/P2.1~~* **SECTION 2.** 59.54 (6) of the statutes is amended to read:

7 59.54 (6) **PEACE AND ORDER.** The board may enact and enforce ordinances to
8 preserve the public peace and good order within the county including, but not limited
9 by enumeration, ordinances prohibiting conduct that is the same as or similar to
10 conduct that is prohibited by ss. 947.01 and ~~947.02~~ 947.12, and provide a forfeiture
11 for a violation of the ordinances.

12 *~~-4079/P2.2~~* **SECTION 3.** 115.31 (2g) of the statutes is amended to read:

13 115.31 (2g) Notwithstanding subch. II of ch. 111, the state superintendent shall
14 revoke a license granted by the state superintendent, without a hearing, if the

1 licensee is convicted of any Class A, B, C[✓] or D felony under ch. 940 or 948, except ss.
2 s. 940.08 and ~~940.205~~, for a violation that occurs on or after September 12, 1991.

3 ***-4079/P2.3* SECTION 4.** 118.19 (4) (a) of the statutes is amended to read:

4 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
5 may not grant a license to any person who has been convicted of any Class A, B, C[✓]₁
6 or D felony under ch. 940 or 948, except ss. s. 940.08 and ~~940.205~~, or of an equivalent
7 crime in another state or country, for a violation that occurs on or after September
8 12, 1991, for 6 years following the date of the conviction, and may grant the license
9 only if the person establishes by clear and convincing evidence that he or she is
10 entitled to the license.

11 ***-4097/P2.1* SECTION 5.** 165.25 (2m) of the statutes is created to read:

12 165.25 (2m) PETITION FOR AND REPRESENT STATE IN STATEWIDE JOHN DOE AND
13 GRAND JURY PROCEEDINGS. Petition for and represent the state in John Doe
14 proceedings having statewide jurisdiction under s. 968.26 (2) and in grand jury
15 proceedings having statewide jurisdiction under s. 968.40.

16 ***-4079/P2.4* SECTION 6.** 165.55 (3) of the statutes is amended to read:

17 165.55 (3) When, in the opinion of the state fire marshal, investigation is
18 necessary, he or she shall take or cause to be taken the testimony on oath of all
19 persons supposed to be cognizant of any facts or to have any means of knowledge in
20 relation to any case of damage to property by fire or explosives. If the state fire
21 marshal is of the opinion that there is evidence sufficient to charge any person with
22 a crime under s. 941.11, 943.01, 943.012, ~~943.013~~ 943.0135, 943.02, 943.03 or 943.04
23 or with an attempt to commit any of those crimes, he or she shall cause the person
24 to be prosecuted, and furnish the prosecuting attorney the names of all witnesses and

all the information obtained by him or her, including a copy of all testimony taken in the investigation.

***-4078/P2.2* SECTION 7.** 165.70 (1) (b) of the statutes is amended to read:

165.70 (1) (b) Enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 947.12 (3) and (4) and 948.08.

***-4077/P2.1* SECTION 8.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

301.048 (2) (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, ~~940.203~~ ^{940.204}, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, ~~940.43~~ (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, ~~943.013~~ ^{943.0135}, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 946.625 (1) to (3), 946.635 (1) to (3), 946.64 (4), ~~947.015~~ ^{947.05, 947.07}, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30. _{~ score}

***-4078/P2.3* SECTION 9.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

301.048 (2) (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, 947.015, 947.05, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

1 ~~*-4079/P2.5* SECTION 10. 301.048 (2) (bm) 1. a. of the statutes is amended to~~
2 read:

3 301.048 (2) (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05,
4 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20,
5 940.201, 940.203 940.204, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2.,
6 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3),
7 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, ~~943.013~~ 943.0135,
8 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43,
9 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or
10 948.30.

11 ~~*-4097/P2.2* SECTION 11. 301.048 (2) (bm) 1. a. of the statutes is amended to~~
12 read:

13 301.048 (2) (bm) 1. a. A crime specified in s. 940.01, 940.02, 940.03, 940.05,
14 940.06, 940.08, 940.09, 940.10, 940.19 (3), (4) or (5), 940.195 (3), (4) or (5), 940.20,
15 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1. or 2., 940.29,
16 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20
17 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04,
18 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.43, ~~947.015~~ 947.07,
19 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, 948.08 or 948.30.

20 ~~*-4097/P2.3* SECTION 12. 343.237 (3) (d) of the statutes is repealed.~~

21 ~~*-4097/P2.4* SECTION 13. 440.475 (1) of the statutes is renumbered 440.475~~
22 (1) (intro.) and amended to read:

23 440.475 (1) (intro.) The department may deny, limit, suspend, or revoke the
24 registration of a charitable organization, fund-raising counsel, or professional
25 fund-raiser, or may reprimand a charitable organization, fund-raising counsel, or

1 professional fund-raiser that is registered under this subchapter, if the department
2 finds that the charitable organization, fund-raising counsel, or professional
3 fund-raiser has ~~made~~ done any of the following:

4 (a) Made a false statement in any registration statement, annual report, or
5 other information required to be filed under, ~~or has otherwise violated~~, this
6 subchapter or the rules promulgated under this subchapter.

7 ***-4097/P2.5* SECTION 14.** 440.475 (1) (b) of the statutes is created to read:

8 440.475 (1) (b) Violated this subchapter or the rules promulgated under this
9 subchapter.

10 ***-4097/P2.6* SECTION 15.** 440.475 (1) (c) of the statutes is created to read:

11 440.475 (1) (c) Violated s. 947.08.

12 ***-4097/P2.7* SECTION 16.** 786.36 (4) of the statutes is amended to read:

13 786.36 (4) Any change of A petition under sub. (1) is the exclusive method for
14 changing a name other than as authorized by law is void except if the name change
15 is in connection with a marriage, divorce, or adoption or is made under s. 69.15 (4m).

16 ***-4301/P1.1* SECTION 17.** 895.01 (1) (g) of the statutes is amended to read:

17 895.01 (1) (g) Causes of action for a violation of s. 968.31 (2m) (2g) or other
18 damage to the person.

19 ***-4078/P2.4* SECTION 18.** 895.035 (4a) (a) 2. of the statutes is amended to read:

20 895.035 (4a) (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,
21 943.05, 943.06 ~~or 947.015, or 947.05, or 947.07(5)~~ ✓

22 ***-4097/P2.8* SECTION 19.** 895.035 (4a) (a) 2. of the statutes is amended to read:

23 895.035 (4a) (a) 2. An act resulting in a violation of s. 943.01, 943.02, 943.03,
24 943.05, 943.06, or 947.015 947.07 (5).

25 ***-4079/P2.6* SECTION 20.** 938.396 (2) (j) of the statutes is amended to read:

1 938.396 (2) (j) Upon request of a fire investigator under s. 165.55 (15) to review
2 court records for the purpose of pursuing an investigation under s. 165.55, the court
3 shall open for inspection by authorized representatives of the requester the records
4 of the court relating to any juvenile who has been adjudicated delinquent or found
5 to be in need of protection or services under s. 938.13 (12) or (14) for a violation of s.
6 940.08, 940.24, 941.10, 941.11, 943.01, 943.012, ~~943.013~~ 943.0135, 943.02, 943.03,
7 943.04, 943.05, 943.06 or for an attempt to commit any of those violations.

8 ***-4097/P2.9* SECTION 21.** 938.78 (3) of the statutes is amended to read:

9 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
10 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
11 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
12 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
13 941.295, 941.298, 941.30, ~~941.31~~, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
14 (a), 943.23 (1g), (1m), or (1r), 943.32 (2), 947.07, 948.02, 948.025, 948.03, 948.05,
15 948.055, 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from
16 a secured correctional facility, child caring institution, secured group home,
17 inpatient facility, as defined in s. 51.01 (10), secure detention facility, or juvenile
18 portion of a county jail, or from the custody of a peace officer or a guard of such a
19 facility, institution, or jail, or has been allowed to leave a secured correctional facility,
20 child caring institution, secured group home, inpatient facility, secure detention
21 facility, or juvenile portion of a county jail for a specified time period and is absent
22 from the facility, institution, home, or jail for more than 12 hours after the expiration
23 of the specified period, the department or county department having supervision
24 over the juvenile may release the juvenile's name and any information about the
25 juvenile that is necessary for the protection of the public or to secure the juvenile's

1 return to the facility, institution, home, or jail. The department of corrections shall
2 promulgate rules establishing guidelines for the release of the juvenile's name or
3 information about the juvenile to the public.

4 ***-4077/P2.2* SECTION 22.** 939.22 (21) (k) of the statutes is amended to read:

5 939.22 (21) (k) Intimidation of witnesses, as prohibited in s. ~~940.42 or 940.43~~
6 946.62 or 946.625.

7 ***-4077/P2.3* SECTION 23.** 939.22 (21) (L) of the statutes is amended to read:

8 939.22 (21) (L) Intimidation of victims, as prohibited in s. ~~940.44 or 940.45~~
9 946.63 or 946.635.

10 ***-4077/P2.4* SECTION 24.** 939.22 (21) (Lo) of the statutes is created to read:

11 939.22 (21) (Lo) Unlawful communication with a juror, as prohibited in s.
12 946.64.

13 ***-4077/P2.5* SECTION 25.** 939.31 of the statutes is amended to read:

14 **939.31 Conspiracy.** Except as provided in ss. ~~940.43 (4), 940.45 (4)~~ 946.625
15 (4), 946.635 (4), 946.64 (3) (d), and 961.41 (1x), whoever, with intent that a crime be
16 committed, agrees or combines with another for the purpose of committing that
17 crime may, if one or more of the parties to the conspiracy does an act to effect its
18 object, be fined or imprisoned or both not to exceed the maximum provided for the
19 completed crime; except that for a conspiracy to commit a crime for which the penalty
20 is life imprisonment, the actor is guilty of a Class B felony.

21 ***-4077/P2.6* SECTION 26.** 939.32 (1) (c) of the statutes is amended to read:

22 939.32 (1) (c) Whoever attempts to commit a crime under ss. ~~940.42 to 940.45~~
23 946.62 to 946.64 is subject to the penalty for the completed act, as provided in s.
24 940.46 946.642.

1 *~~4081~~/P2.1* SECTION 27. 939.32 (1) (f) and (g) of the statutes are created to
2 read:

3 939.32 (1) (f) Whoever attempts to commit a crime under s. 946.78 is subject
4 to the penalty provided in that section for the completed act.

5 (g) Whoever attempts to commit a crime under s. 946.79 is subject to the
6 penalty provided in that section for the completed act.

7 *~~4097~~/P2.10* SECTION 28. 939.32 (1) (h) of the statutes is created to read:

8 939.32 (1) (h) Whoever attempts to commit a crime under s. 947.07 (3) is subject
9 to the penalty provided in that subsection for the completed act.

10 *~~4077~~/P2.7* SECTION 29. 939.632 (1) (e) 1. of the statutes is amended to read:

11 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09 (1),
12 940.19 (2), (3), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.305, 940.31, 941.20,
13 941.21, 943.02, 943.06, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 946.625,
14 946.635, 946.64, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.055,
15 948.07, 948.08, 948.30 (2), 948.35 (1) (b) or (c) [✓]or 948.36.

16 *~~4077~~/P2.8* SECTION 30. 939.632 (1) (e) 3. of the statutes is amended to read:

17 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
18 (2), ~~940.42, 940.44~~, 941.20 (1), 941.23, 941.235, 941.24 ~~or~~, 941.38 (3), 946.62, or
19 946.63.

20 *~~4097~~/P2.11* SECTION 31. 939.648 (2) (intro.), (a) and (b) (intro.) of the
21 statutes are amended to read:

22 939.648 (2) (intro.) If a person does all of the following, the penalties for the
23 underlying felony crime are increased as provided in sub. (3):

24 (a) Commits a felony under chs. 939 to 951 or a misdemeanor under s. 943.07.

25 (b) (intro.) Commits the felony crime under any of the following circumstances:

1 *~~4097/P2.12~~* SECTION 32. 939.648 (2) (c) of the statutes is renumbered
2 939.648 (2) (c) (intro.) and amended to read:

3 939.648 (2) (c) 2. (intro.) Commits the ~~felony~~ crime with the intent to
4 accomplish any of the following:

5 1. To influence the policy or conduct of a governmental unit or to influence an
6 official policy decision or the official conduct of a public officer or public employee.

7 2. To punish a governmental unit or a public officer or public employee for a
8 prior policy decision, other official decision, or official conduct.

9 *~~4097/P2.13~~* SECTION 33. 939.648 (2) (c) 3. of the statutes is created to read:
10 939.648 (2) (c) 3. To intimidate or coerce a civilian population.

11 *~~4097/P2.14~~* SECTION 34. 939.648 (3) and (4) of the statutes are amended to
12 read:

13 939.648 (3) The maximum fine prescribed by law for the ~~felony~~ crime may be
14 increased by not more than \$50,000 and the maximum period of imprisonment
15 prescribed by law for the ~~felony~~ crime may be increased by not more than 10 years.

16 (4) This section provides for the enhancement of the penalties applicable for
17 the underlying ~~felony~~ crime. The court shall direct that the trier of fact find a special
18 verdict as to all of the issues specified in sub. (2).

19 *~~4079/P2.7~~* SECTION 35. 940.20 (2) of the statutes is amended to read:

20 940.20 (2) BATTERY TO ~~LAW ENFORCEMENT OFFICERS AND~~ VOLUNTEER FIRE FIGHTERS.
21 Whoever intentionally causes bodily harm to a ~~law enforcement officer or fire fighter,~~
22 ~~as these terms are defined in s. 102.475 (8) (b) and (c),~~ member of a volunteer fire
23 department or company acting in an official capacity ~~and the person knows or has~~
24 ~~reason to know that the victim is a law enforcement officer or fire fighter,~~ by an act

1 done without the consent of the person so injured, is guilty of a Class D felony, if the
2 actor knows that the person is a fire fighter.

3 *~~4079/P2.8~~* SECTION 36. 940.20 (2m) (title) of the statutes is amended to
4 read:

5 940.20 (2m) (title) BATTERY TO PROBATION, ~~EXTENDED SUPERVISION AND PAROLE~~
6 ~~AGENTS AND AFTERCARE AGENTS.~~

7 *~~4079/P2.9~~* SECTION 37. 940.20 (2m) (a) (intro.) and 1. of the statutes are
8 consolidated, renumbered 940.20 (2m) (a), and amended to read:

9 940.20 (2m) (a) In this subsection: 1. ~~“Aftercare,~~ “aftercare agent” means any
10 person authorized by the department of corrections to exercise control over a juvenile
11 on aftercare.

12 *~~4079/P2.10~~* SECTION 38. 940.20 (2m) (a) 2. of the statutes is repealed.

13 *~~4079/P2.11~~* SECTION 39. 940.20 (2m) (b) of the statutes is amended to read:

14 940.20 (2m) (b) Whoever intentionally causes bodily harm to a ~~probation,~~
15 ~~extended supervision and parole agent or an aftercare agent,~~ acting in an official
16 capacity and ~~the person knows or has reason to know that the victim is a probation,~~
17 ~~extended supervision and parole agent or an aftercare agent,~~ by an act done without
18 the consent of the person so injured, is guilty of a Class D felony, if the actor knows
19 that the person is an aftercare agent.

20 *~~4079/P2.12~~* SECTION 40. 940.20 (4) of the statutes is repealed.

21 *~~4079/P2.13~~* SECTION 41. 940.20 (5) of the statutes is repealed.

22 *~~4079/P2.14~~* SECTION 42. 940.20 (6) (b) (intro.) of the statutes is amended to
23 read:

24 940.20 (6) (b) (intro.) Whoever intentionally causes bodily harm to another
25 under any of the following circumstances is guilty of a Class ~~E~~ D felony:

1 *~~4077/P2.9~~* **SECTION 43.** 940.201 (1) (b) of the statutes is amended to read:

2 940.201 (1) (b) “Witness” has the meaning given in s. ~~940.41~~ 946.605 (3).

3 *~~4079/P2.15~~* **SECTION 44.** 940.203 of the statutes is repealed.

4 *~~4079/P2.16~~* **SECTION 45.** 940.204 of the statutes is created to read:

5 **940.204 Battery or threat to public officer or employee.** (1) In this
6 section, “family member” means a parent, spouse, sibling, child, stepchild, foster
7 child, or treatment foster child.

8 (2) Whoever intentionally causes bodily harm or threatens to cause bodily
9 harm to the person or family member of any public officer or employee under all of
10 the following circumstances is guilty of a Class D felony:

11 (a) At the time of the act or threat, the actor knows or should have known that
12 the victim is a public officer or employee or a family member of a public officer or
13 employee.

14 (b) The public officer or employee is acting in an official capacity at the time of
15 the act or threat, the act or threat is intended to influence an action by the public
16 officer or employee in an official capacity, or the act or threat is in response to any
17 action taken in an official capacity.

18 (c) There is no consent by the person harmed or threatened.

19 *~~4079/P2.17~~* **SECTION 46.** 940.205 of the statutes is repealed.

20 *~~4079/P2.18~~* **SECTION 47.** 940.207 of the statutes is repealed.

21 *~~4077/P2.10~~* **SECTION 48.** 940.41 of the statutes is renumbered 946.605, and
22 946.605 (intro.), as renumbered, is amended to read:

23 **946.605 Definitions.** (intro.) In ss. ~~940.42 to 940.49~~ 946.61 to 941.648:

24 *~~4077/P2.11~~* **SECTION 49.** 940.42 of the statutes is renumbered 946.62 and
25 amended to read:

1 **946.62 Intimidation of witnesses; misdemeanor.** Except as provided in s.
2 940.43 946.625, whoever knowingly and maliciously prevents or dissuades, or who
3 attempts to so prevent or dissuade any witness from attending or giving testimony
4 at any trial, proceeding or inquiry authorized by law, is guilty of a Class A
5 misdemeanor.

6 ***-4077/P2.12* SECTION 50.** 940.43 of the statutes is renumbered 946.625, and
7 946.625 (intro.), (1), (2), (5) and (6), as renumbered, are amended to read:

8 **946.625 Intimidation of witnesses; felony.** (intro.) Whoever violates s.
9 940.42 946.62 under any of the following circumstances is guilty of a Class D felony:

10 (1) Where the act is accompanied by force or violence or attempted force or
11 violence, upon the witness, or ~~the spouse, child, stepchild, foster child, treatment~~
12 ~~foster child, parent, sibling or grandchild of the witness or any person sharing a~~
13 ~~common domicile with~~ a family member of the witness.

14 (2) Where the act is accompanied by ~~injury or~~ damage to the real or personal
15 property of any person covered under sub. (1).

16 (5) Where the act is committed by any person who has suffered any prior
17 conviction for any violation under ss. ~~940.42 to 940.45~~ 946.62 to 946.64, s. 943.30,
18 1979 stats., or any federal statute or statute of any other state which, if the act
19 prosecuted was committed in this state, would be a violation under ss. ~~940.42 to~~
20 ~~940.45~~ 946.62 to 946.64.

21 (6) Where the act is committed by any person for monetary ~~gain~~ or for any other
22 consideration acting on the request of any other person. ~~All parties to the~~
23 ~~transactions are guilty under this section.~~

24 ***-4077/P2.13* SECTION 51.** 940.44 of the statutes is renumbered 946.63, and
25 946.63 (intro.), as renumbered, is amended to read:

1 **946.63 Intimidation of victims; misdemeanor.** (intro.) Except as provided
2 in s. 940.45 946.635, whoever knowingly and maliciously prevents or dissuades, or
3 who attempts to so prevent or dissuade, another person who has been the victim of
4 any crime or who is acting on behalf of the victim from doing any of the following is
5 guilty of a Class A misdemeanor:

6 ***-4077/P2.14* SECTION 52.** 940.45 of the statutes is renumbered 946.635, and
7 946.635 (intro.), (1), (2), (5) and (6), as renumbered, are amended to read:

8 **946.635 Intimidation of victims; felony.** (intro.) Whoever violates s. 940.44
9 946.63 under any of the following circumstances is guilty of a Class D felony:

10 (1) Where the act is accompanied by force or violence or attempted force or
11 violence, upon the victim, or the spouse, child, stepchild, foster child, treatment
12 foster child, parent, sibling or grandchild of the victim or any person sharing a
13 common domicile with a family member of the victim.

14 (2) Where the act is accompanied by injury or damage to the real or personal
15 property of any person covered under sub. (1).

16 (5) Where the act is committed by any person who has suffered any prior
17 conviction for any violation under ss. 940.42 to 940.45 946.62 to 946.64, s. 943.30,
18 1979 stats., or any federal statute or statute of any other state which, if the act
19 prosecuted was committed in this state, would be a violation under ss. 940.42 to
20 940.45 946.62 to 946.64.

21 (6) Where the act is committed by any person for monetary gain or for any other
22 consideration acting on the request of any other person. [✓]~~All parties to the~~
23 ~~transactions are guilty under this section.~~

24 ***-4077/P2.15* SECTION 53.** 940.46 of the statutes is renumbered 946.642 and
25 amended to read:

1 **946.642 Attempt prosecuted as completed act.** Whoever attempts the
2 commission of any act prohibited under ss. ~~940.42 to 940.45~~ 946.62 to 946.64 is guilty
3 of the offense attempted without regard to the success or failure of the attempt. The
4 fact that no person was injured physically or in fact intimidated is not a defense
5 against any prosecution under ss. ~~940.42 to 940.45~~ 946.62 to 946.635. The fact that
6 no person was injured physically or in fact annoyed, harassed, frightened,
7 threatened, abused, or intimidated is not a defense against any prosecution under
8 s. 946.64.

9 ***-4077/P2.16* SECTION 54.** 940.47 of the statutes is renumbered 946.644 and
10 amended to read:

11 **946.644 Court orders.** (intro.) Any court with jurisdiction over any criminal
12 matter, upon substantial evidence, which may include hearsay or the declaration of
13 the prosecutor, that ~~knowing and malicious prevention or dissuasion of any person~~
14 ~~who is a victim or who is a witness~~ a violation of s. 946.62, 946.625, 946.63, 946.635,
15 or 946.64 has occurred or is reasonably likely to occur, may issue orders including but
16 not limited to any of the following:

17 (1) An order that a defendant not violate ss. ~~940.42 to 940.45~~ 946.62 to 946.64.

18 (2) An order that a person before the court other than a defendant, including,
19 but not limited to, a subpoenaed witness or other person entering the courtroom of
20 the court, not violate ss. ~~940.42 to 940.45~~ 946.62 to 946.64.

21 (3) An order that any person described in sub. (1) or (2) maintain a prescribed
22 geographic distance from any specified witness ~~or~~ victim, or juror.

23 (4) An order that any person described in sub. (1) or (2) have no communication
24 ~~with any specified witness or any victim,~~ except through an attorney under such

1 reasonable restrictions as the court may impose, with any specified witness, victim,
2 or juror.

3 *~~4077/P2.17~~* SECTION 55. 940.48 of the statutes is renumbered 946.646, and
4 946.646 (intro.), (1) and (2), as renumbered, are amended to read:

5 **946.646 Violation of court orders.** (intro.) Whoever violates an order issued
6 under s. 940.47 946.644 may be punished as follows:

7 (1) If applicable, the person may be prosecuted under ss. ~~940.42 to 940.45~~
8 946.62 to 946.64.

9 (2) As a contempt of court under ch. 785. A finding of contempt is not a bar to
10 prosecution under ss. ~~940.42 to 940.45~~ 946.62 to 946.64, but:

11 (a) Any person who commits a contempt of court is entitled to credit for any
12 punishment imposed therefor against any sentence imposed on conviction under ss.
13 ~~940.42 to 940.45~~ 946.62 to 946.64; and

14 (b) Any conviction or acquittal for any substantive offense under ss. ~~940.42 to~~
15 ~~940.45~~ 946.62 to 946.64 is a bar to subsequent punishment for contempt arising out
16 of the same act.

17 *~~4077/P2.18~~* SECTION 56. 940.49 of the statutes is renumbered 946.648 and
18 amended to read:

19 **946.648 Pretrial release.** Any pretrial release of any defendant whether on
20 bail or under any other form of recognizance shall be deemed to include a condition
21 that the defendant neither do, nor cause to be done, nor permit to be done on his or
22 her behalf, any act proscribed by ss. ~~940.42 to 940.45~~ 946.62 to 946.64 and any ~~wilful~~
23 willful violation of the condition is subject to punishment as prescribed in s. ~~940.48~~
24 946.646 (3) whether or not the defendant was the subject of an order under s. ~~940.47~~
25 946.644.

1 *~~4097/P2.15~~* SECTION 57. 941.26 (1) (a) of the statutes is amended to read:

2 941.26 (1) (a) No person may sell, transfer, possess, use, or transport any
3 machine gun or other ~~full~~ fully automatic firearm.

4 *~~4097/P2.16~~* SECTION 58. 941.26 (2) (a) of the statutes is amended to read:

5 941.26 (2) (a) Any person violating sub. (1) (a) is guilty of a Class ~~E~~ D felony.

6 *~~4097/P2.17~~* SECTION 59. 941.26 (3) of the statutes is amended to read:

7 941.26 (3) This section does not apply to the sale, transfer, possession,
8 modification, use, or transportation of any weapons or containers under sub. (1) or
9 (1m) to or by any armed forces or national guard personnel in the line of duty, or any
10 civil enforcement officer of the state or of any city or county. This section does not
11 apply to the sale, transfer, possession, modification, use, or transportation of
12 weapons under sub. (1) (a) or (1m) to or by any person duly authorized by the chief
13 of police of any city or the sheriff of any county. This section does not apply to the
14 restoration of any weapon under sub. (1) (a) or (1m) by a person having a license to
15 collect firearms as curios or relics issued by the U.S. department of the treasury. The
16 restriction on transportation contained in this section does not apply to common
17 carriers.

18 *~~4097/P2.18~~* SECTION 60. 941.27 (2) of the statutes is amended to read:

19 941.27 (2) EXCEPTIONS. Sections 941.25 and 941.26 shall not prohibit or
20 interfere with the manufacture for, and sale of, machine guns to the military forces
21 or the peace officers of the United States or of any political subdivision thereof, or the
22 transportation required for that purpose; the possession of a machine gun for
23 scientific purpose, or the possession of a machine gun not usable as a weapon and
24 possessed as a curiosity, ornament, or keepsake; ~~or the possession of a machine gun~~

other than one adapted to use pistol cartridges for a purpose manifestly not aggressive or offensive.

-4097/P2.19 SECTION 61. 941.31 of the statutes is repealed.

-4097/P2.20 SECTION 62. 941.375 of the statutes is created to read:

941.375 Interfering with disarmament of explosives. (1) In this section:

(a) "Destructive device" has the meaning given in s. 947.07 (1) ~~(b)~~ ^(c).

(b) "Explosive" has the meaning given in s. 947.07 (1) ~~(a)~~ ^(f).

(c) "Public safety official" means any law enforcement officer, fire fighter, emergency management official, or other public safety or military personnel employed by the state, a subdivision of the state, or the United States.

(2) Whoever knowingly obstructs or interferes with a public safety official, or an animal or mechanical device used by a public safety official, while the public safety official is searching for, disarming, or destroying an explosive or a destructive device is guilty of a Class A misdemeanor.

(3) Whoever violates sub. (2) and reasonably believes that his or her obstruction of interference may endanger the safety of another is guilty of a Class E felony.

(4) Whoever violates sub. (3), if the obstruction or interference contributes to the death of another, is guilty of a Class C felony.

-4077/P2.19 SECTION 63. 941.38 (1) (b) 11. of the statutes is amended to read:

941.38 (1) (b) 11. Intimidation of witnesses, as prohibited in s. ~~940.42 or 940.43~~
946.62 or 946.625.

-4077/P2.20 SECTION 64. 941.38 (1) (b) 12. of the statutes is amended to read:

941.38 (1) (b) 12. Intimidation of victims, as prohibited in s. ~~940.44 or 940.45~~
946.63 or 946.635.

1 ***4077/P2.21*** **SECTION 65.** 941.38 (1) (b) 12o. of the statutes is created to read:
2 941.38 (1) (b) 12o. Unlawful communication with a juror, as prohibited in s.
3 946.64.

4 ***4077/P2.22*** **SECTION 66.** 943.011 (1) (b) of the statutes is amended to read:
5 943.011 (1) (b) “Witness” has the meaning given in s. ~~940.41~~ 946.605 (3).

6 ***4079/P2.19*** **SECTION 67.** 943.013 of the statutes is repealed.

7 ***4079/P2.20*** **SECTION 68.** 943.0135 of the statutes is created to read:

8 **943.0135 Damage or threat to property of public officer or employee.**

9 (1) In this section, “family member” means a parent, spouse, sibling, child, stepchild,
10 foster child, or treatment foster child.

11 (2) Whoever intentionally causes or threatens to cause damage to any physical
12 property that belongs to a public officer or employee or a family member of a public
13 officer or employee under all of the following circumstances is guilty of a Class D
14 felony:

15 (a) At the time of the act or threat, the actor knows or should have known that
16 the person whose property is damaged or threatened is a public officer or employee
17 or a family member of a public officer or employee.

18 (b) The public officer or employee is acting in an official capacity at the time of
19 the act or threat, the act or threat is intended to influence an action by the public
20 officer or employee in an official capacity, or the act or threat is in response to any
21 action taken in an official capacity.

22 (c) There is no consent by the person whose property is damaged or threatened.

23 ***4079/P2.21*** **SECTION 69.** 943.015 of the statutes is repealed.

24 ***4077/P2.23*** **SECTION 70.** 943.017 (2m) (a) 2. of the statutes is amended to
25 read:

1 943.017 (2m) (a) 2. "Witness" has the meaning given in s. 940.41 946.605 (3).

2 *-4079/P2.22* SECTION 71. 943.05 of the statutes is amended to read:

3 **943.05 Placing of combustible materials an attempt.** Whoever places any
4 combustible or explosive material or device in or near any property with intent to set
5 fire to or blow up such property is guilty of an attempt to violate either s. 943.01,
6 943.012, 943.013 943.0135, 943.02, 943.03 or 943.04, depending on the facts of the
7 particular case.

8 *-4097/P2.21* SECTION 72. 943.20 (3) (e) of the statutes is created to read:

9 943.20 (3) (e) If the value of the property does not exceed \$2,500 and any of the
10 following circumstances exists, is guilty of a Class C felony:

11 1. The property is a machine gun, as defined in s. 941.27 (1).

12 2. The property is a firearm that is owned by a law enforcement agency, the U.S.
13 armed forces, a reserve component of the U.S. armed forces, or the National Guard.

14 3. The property is an explosive, as defined in s. 947.07 (1) (d), or a destructive
15 device, as defined in s. 947.07 (1) (b).

16 *-4081/P2.2* SECTION 73. 943.201 (1) (a) of the statutes is amended to read:

17 943.201 (1) (a) "Personal identification document" means a ~~birth certificate~~
18 document made or issued under the authority of the federal government, a state, a
19 political subdivision of a state, a foreign government, or a political subdivision of a
20 foreign government that is intended or commonly accepted for the purpose of
21 identifying individuals, or a financial transaction card, as defined in s. 943.41 (1)
22 (em).

23 *-4077/P2.24* SECTION 74. 946.605 (1c) of the statutes is created to read:

1 946.605 (1c) “Family member” means a spouse, child, stepchild, foster child,
2 treatment foster child, parent, sibling, or grandchild of another or any person
3 sharing a common domicile with another.

4 ***-4077/P2.25* SECTION 75.** 946.605 (1e) of the statutes is created to read:

5 946.605 (1e) “Juror” includes any person who is or has been a grand juror, petit
6 juror, or inquest juror and any person who has been summoned as a prospective juror
7 under s. 756.05.

8 ***-4077/P2.26* SECTION 76.** 946.64 of the statutes is renumbered 946.64 (1)
9 and amended to read:

10 946.64 (1) Whoever, with intent to influence any person, ~~summoned or serving~~
11 as a juror, in relation to any matter which is before that person or which may be
12 brought before that person him or her, communicates directly or indirectly with him
13 ~~or her~~ the juror or the juror’s family member otherwise than in the regular course
14 of proceedings in the trial or hearing of that matter is guilty of a Class E felony.

15 ***-4077/P2.27* SECTION 77.** 946.64 (2) of the statutes is created to read:

16 946.64 (2) Whoever, with intent to annoy, harass, frighten, threaten, abuse, or
17 intimidate any juror or any juror’s family member because of a verdict returned by
18 the juror or the participation of the juror in any criminal or civil trial or matter,
19 communicates directly or indirectly with the juror or any of the juror’s family
20 members is guilty of a Class E felony.

21 ***-4077/P2.28* SECTION 78.** 946.64 (3) of the statutes is created to read:

22 946.64 (3) Whoever violates sub. (1) or (2) is guilty of a Class D felony if any
23 of the following applies:

24 (a) The act is accompanied by physical force or violence or attempted physical
25 force or violence.

1 (b) The act is accompanied by damage to real or personal property.

2 (c) The act is accompanied by any express or implied threat of physical force,
3 violence, injury, or damage described in pars. (a) and (b).

4 (d) The act is in furtherance of any conspiracy.

5 (e) The act is committed by any person for monetary gain or for any other
6 consideration acting on the request of any other person.

7 ***-4081/P2.3* SECTION 79.** 946.78 of the statutes is created to read:

8 **946.78 Money laundering. (1)** In this section:

9 (a) "Felony" means any act punishable as a felony under the laws of this state
10 or, if the act occurred within another jurisdiction, any act punishable by
11 incarceration for one year or more under the laws of the other jurisdiction.

12 (b) "Monetary instrument" includes any of the following:

13 1. Coin or currency of the United States or any other country.

14 2. Traveler's check, personal check, money order, or share draft or other draft
15 for payment.

16 3. Investment security or negotiable instrument, in bearer form or other form
17 that provides that title to the security or instrument passes upon delivery of the
18 security or instrument.

19 4. Precious metals, stones, or jewels.

20 (c) "Transaction" means the acquisition or disposition of property by any
21 means, including any of the following:

22 1. The purchase, sale, trade, transfer, transmission, exchange, loan, pledge,
23 investment, delivery, deposit, or withdrawal of a monetary instrument.

24 2. The use of a safe deposit box.

25 3. The extension of credit.

1 (2) Whoever does any of the following is subject to the penalties under sub. (4):

2 (a) Receives or acquires proceeds, or engages in a transaction involving
3 proceeds, that the person knows or has reason to know are derived from a felony, if
4 the person also knows or has reason to know that the receipt or acquisition of the
5 proceeds or the transaction is designed in whole or in part to conceal or disguise the
6 nature, location, source, ownership, or control of the proceeds of the felony.

7 (b) Gives, sells, transfers, trades, invests, conceals, possesses, transports, or
8 otherwise makes available one or more monetary instruments that the person knows
9 or has reason to know are intended to be used to commit or further the commission
10 of a felony.

11 (c) Directs, plans, organizes, initiates, finances, manages, supervises, or
12 facilitates the transportation or transfer of proceeds that the person knows or has
13 reason to know are derived from a felony, if the person also knows or has reason to
14 know that the transportation or transfer is designed in whole or in part to conceal
15 or disguise the nature, location, source, ownership, or control of the proceeds of the
16 felony.

17 (3) (a) In a prosecution under sub. (2) (a) or (c), the state is not required to prove
18 that the defendant knew the specific felony from which the proceeds were derived,
19 or that the defendant knew that the act from which the proceeds were derived
20 constituted a felony.

21 (b) In a prosecution under sub. (2) (b), the state is not required to prove that
22 the defendant knew the specific felony for which the monetary instrument was
23 intended to be used, or that the defendant knew that the act for which the monetary
24 instrument was intended to be used constituted a felony.

(4) Whoever violates sub. (2) is guilty of a Class D felony, except that, notwithstanding the maximum fine specified in s. 939.50 (3) (d), the person may be fined not more than \$10,000 or twice the value of the proceeds or monetary instruments involved in the violation, whichever is greater.

-4081/P2.4 SECTION 80. 946.79 of the statutes is created to read:

946.79 False statement^s to financial institutions. (1) In this section:

(a) "Financial institution" means a bank, savings bank, savings and loan association, credit union, insurance company, trust company, a securities broker or dealer, a pawnbroker, as defined in s. 134.71 (1) (e), a telegraph company, or a dealer in precious metals, stones, or jewels.

(b) "Personal identification document" has the meaning given in s. 943.201 (1)

(a).

(c) "Personal identifying information" has the meaning given in s. 943.201 (1)

(b).

(d) "Transaction" has the meaning given in s. 946.78 (1) (c).

(2) Whoever knowingly does any of the following with respect to information that is requested by or submitted to a financial institution in connection with a transaction with that financial institution is guilty of a Class E felony:

(a) Falsifies or conceals or attempts to falsify or conceal the identity of a person.

(b) Makes a false or fraudulent statement or representation regarding the identity of a person.

(c) Makes or uses a false writing knowing that the writing contains false information regarding the identity of a person.

(d) Uses or presents a false personal identification document or false personal identifying information.

1 *~~4078~~/P2.5* SECTION 81. 946.82 (4) of the statutes, as affected by 2001
2 Wisconsin Act 16, is amended to read:

3 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961

4 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
5 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),

6 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,

7 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,

8 940.19 (3) to (6), 940.20, 940.201, ^{940.204}~~940.203~~, 940.21, 940.30, 940.305, 940.31, 941.20

9 (2) and (3), 941.26, 941.28, 941.298, ~~941.31~~, 941.32, 943.01 (2), (2d), or (2g), 943.011,

10 943.012, ^{943.0135}~~943.013~~, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (c) ^{to (3)}~~and~~

11 ~~(d)~~, 943.201, 943.23 (1g), (1m), (1r), (2), and (3), 943.24 (2), 943.25, 943.27, 943.28,

12 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)

13 (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,

14 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,

15 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, ^{946.78, 946.79}~~947.015~~, ^{947.07}~~947.05~~,

16 948.05, 948.08, 948.12, and 948.30.

17 *~~4079~~/P2.23* SECTION 82. 946.82 (4) of the statutes, as affected by 2001
18 Wisconsin Act 16, is amended to read:

19 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961

20 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission

21 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),

22 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,

23 221.1004, 551.41, 551.42, 551.43, 551.44, ~~553.41~~ (3) and (4), 553.52 (2), 940.01,

24 940.19 (3) to (6), 940.20, 940.201, ~~940.203~~ ^{940.204}, 940.21, 940.30, 940.305, 940.31,

25 941.20 (2) and (3), ~~941.26~~, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g),

1 943.011, 943.012, ~~943.013~~ 943.0135, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10,
2 943.20 (3) (c) and (d), 943.201, 943.23 (1g), (1m), (1r), (2), and (3), 943.24 (2), 943.25,
3 943.27, 943.28, 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b)
4 and (c), 943.50 (4) (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32,
5 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11,
6 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,
7 946.76, 947.015, 948.05, 948.08, 948.12, and 948.30.

8 *~~4081/P2.5~~* SECTION 83. 946.82 (4) of the statutes, as affected by 2001
9 Wisconsin Act 16, is amended to read:

10 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
11 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
12 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
13 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
14 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
15 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
16 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011,
17 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (c) and
18 (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28,
19 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)
20 (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34,
21 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31,
22 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 946.78, 946.79,
23 947.015, 948.05, 948.08, 948.12, and 948.30.

24 *~~4097/P2.22~~* SECTION 84. 946.82 (4) of the statutes, as affected by 2001
25 Wisconsin Act 16, is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), (2d), or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (c) and (d) to (3), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015 947.07, 948.05, 948.08, 948.12, and 948.30.

-4078/P2.6 SECTION 85. 947.012 (1) (a) of the statutes is repealed.

-4078/P2.7 SECTION 86. 947.0125 (2) (a) of the statutes is repealed.

-4078/P2.8 SECTION 87. 947.0125 (2) (b) of the statutes is repealed.

-4097/P2.23 SECTION 88. 947.015 of the statutes is repealed.

-4078/P2.9 SECTION 89. 947.02 of the statutes is renumbered 947.12.

-4078/P2.10 SECTION 90. 947.03 of the statutes is created to read:

947.03 Threat to cause death, bodily harm, or property damage.

Whoever, with intent to frighten, intimidate, threaten, abuse, or harass another person, threatens to cause the death of or bodily harm to any person or to damage any person's property is guilty of a Class A misdemeanor.

-4078/P2.11 SECTION 91. 947.04 of the statutes is renumbered 947.14.

1 *~~4078/P2.12~~* **SECTION 92.** 947.05 of the statutes is created to read:

2 **947.05 Terrorist threats.** (1) Whoever, under any of the following
3 circumstances, threatens to cause the death of or bodily harm to any person or to
4 damage any person's property is guilty of a Class E felony:

5 (a) The actor intends to prevent the occupation of or cause the evacuation of a
6 building, dwelling, school premises, vehicle, facility of public transportation, or place
7 of public assembly or any room within a building, dwelling, or school premises.

8 (b) The actor intends to cause serious public inconvenience.

9 (c) The actor intends to cause an interruption or impairment of governmental
10 operations or public communication, of transportation, or of a supply of water, gas,
11 or other public service.

12 (d) The actor creates an unreasonable and substantial risk of causing a result
13 described in par. (a), (b), or (c) and is aware of that risk.

14 (2) Any person who violates sub. (1) and thereby contributes to any individual's
15 death is guilty of a class C felony.

16 *~~4078/P2.13~~* **SECTION 93.** 947.06 of the statutes is renumbered 947.16.

17 *~~4097/P2.24~~* **SECTION 94.** 947.07 of the statutes is created to read:

18 **947.07 Explosives, destructive devices, detonators, and weapons of**
19 **mass destruction.** (1) **DEFINITIONS.** In this section:

20 (a) "Biological agent" means a microorganism or an infectious substance, or any
21 naturally occurring, bioengineered, or synthesized toxin or component of a
22 microorganism or an infectious substance, that is capable of causing death, disease,
23 or other biological malfunction in a human, animal, plant, or other living organism.

24 (b) "Crop" means plants that are cultivated for the production of food, fiber, or
25 other commercial products.

1 (c) "Destructive device" means an overpressure device, or a device that contains
2 an explosive or an incendiary and is designed or configured to cause substantial
3 bodily harm, death, or property damage, including any of the following devices:

- 4 1. A bomb.
- 5 2. A grenade.
- 6 3. A rocket having a propellant charge of more than 4 ounces.
- 7 4. A missile having an explosive or incendiary charge of more than one-quarter
8 ounce.
- 9 5. A mine.

10 (d) "Detonator" means a device containing an exploding charge used to initiate
11 detonation in an explosive or a destructive device, or any device capable of initiating
12 or setting off an explosive charge including, but not limited to, an impact device, a
13 timing mechanism, a primer, primer or detonating cord, a detonating cap, detonating
14 waves, electric blasting caps, blasting caps for use with safety fuses, a shock tube
15 initiator, or detonating cord delay connectors.

16 (e) "Device component" means any equipment, product, or material of any kind
17 that is used, designed for use, or primarily intended for use in constructing a
18 destructive device or a weapon of mass destruction.

19 (f) "Explosive" means any chemical compound, other substance, or mechanical
20 system that is intended to produce an explosion capable of causing substantial bodily
21 harm, death, or property damage, including such a compound, substance, or system
22 that contains oxidizing and combustible units in proportions or quantities that
23 ignition, fire, friction, concussion, percussion, or detonation may produce an
24 explosion; including, but not limited to, items on the list of explosive materials
25 published pursuant to 18 USC 841 (d) and 27 CFR 55.23.

(g) "Facsimile device or substance" means a replica or imitation of an explosive, destructive device, detonator, or weapon of mass destruction, or an object that bears a reasonable resemblance to, or can reasonably be perceived to be, such an item, or an object that is represented to be such an item, but not an actual explosive, destructive device, detonator, or weapon of mass destruction.

(h) "Incendiary" means any material that causes or is capable of causing a fire when lit or ignited.

(i) "Livestock" has a meaning given in s. 943.76 (1).

(j) "Microorganism" includes a bacterium, virus, fungus, rickettsia, or protozoan.

(k) "Overpressure device" means a container filled with an explosive gas or an expanding gas or liquid that is designed or constructed to break, fracture, or rupture in a manner capable of causing substantial bodily harm, death, or property damage, including, but not limited to, a chemical reaction bomb, an acid bomb, a caustic bomb, or a dry ice bomb.

(L) "Poisonous gas" means a gas that through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to humans or other living organisms.

(m) "Site" means a building, dwelling, school premises, vehicle, ~~main~~ ~~watercraft, airplane,~~ facility of public transportation, ~~or~~ a place of public assembly.

(n) "Toxic chemical" means a chemical that through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to human or other living organisms.

(o) "Weapon of mass destruction" means any of the following:

✓
or any room within a building, dwelling, or school premises

1 1. A poisonous gas or toxic chemical, a precursor of a poisonous gas or toxic
2 chemical, or a biological agent

3 2. A device that is designed or intended to release or disseminate a poisonous
4 gas or a toxic chemical, a precursor of a poisonous gas or toxic chemical, or a biological
5 agent.

6 3. A device that is designed or intended to release radiation or radioactivity at
7 a level that is dangerous to human life.

8 (2) MANUFACTURE, TRADE, OR POSSESSION. (a) Whoever manufactures, buys,
9 sells, offers to sell, transfers, distributes, or possesses an explosive or a destructive
10 device is guilty of a Class C felony.

11 (b) Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or
12 possesses a detonator with intent to commit a crime is guilty of a Class C felony.

13 (c) Whoever manufactures, buys, sells, offers to sell, transfers, distributes, or
14 possesses a weapon of mass destruction is guilty of a Class A felony.

15 (d) Whoever manufactures, buys, sells, offers to sell, transfers, distributes,
16 uses, or possesses a device component with intent that the device component be used
17 to construct or assemble a destructive device or a weapon of mass destruction is
18 guilty of a Class C felony.

19 (3) USE. (a) Whoever uses an explosive or a destructive device is guilty of a
20 Class B felony.

21 (b) Whoever uses a detonator with intent to commit a crime is guilty of a Class
22 B felony.

23 (c) Whoever uses a weapon of mass destruction is guilty of a Class A felony.

24 (4) FACSIMILE DEVICES OR SUBSTANCES. Whoever, with intent to alarm,
25 intimidate, threaten, terrify, or harass another, manufactures, possesses, transfers,

1 transports, delivers, distributes, displays, or deploys a facsimile device or substance
2 is guilty of a Class D felony if another reasonably believes that the facsimile device
3 or substance is real.

4 (5) THREATS. (a) Whoever knowing the threat to be false makes or
5 communicates a threat to use or attempt to use an explosive, a destructive device,
6 or a weapon of mass destruction, if another reasonably believes the threat to be true,
7 is guilty of a Class E felony.

8 (b) Whoever violates par. (a) under any of the following circumstances is guilty
9 of a Class D felony:

10 1. With intent to cause an evacuation or to prevent occupation of a site, or with
11 reckless disregard of the risk of causing an evacuation or preventing occupation of
12 a site is guilty of a Class D felony.

13 3.18 With intent to cause an interruption or impairment of governmental
14 operations or public communication, of transportation, or a supply of water, gas, or
15 other public service, or with reckless disregard of the risk of causing such an
16 interruption or impairment.

17 (c) Whoever makes or communicates a threat to use a weapon of mass
18 destruction to kill or sicken livestock or a crop owned by another without the consent
19 of the owner or to damage public natural resources including public parkland,
20 surface water, groundwater, or wildlife, if another reasonably believes the threat to
21 be true, is guilty of a Class B felony.

22 (6) EXCEPTIONS FOR CERTAIN PERSONS. Subsections (2) and (3) do not apply to the
23 following persons:

24 (a) Persons licensed under federal or state law to import, manufacture, or deal
25 in explosives, destructive devices, or detonators, persons granted permits under

42. With intent to cause serious public inconvenience or
with reckless disregard of the risk of causing serious
public inconvenience.

1 federal or state law to use explosives, destructive devices, or detonators, or persons
2 authorized under federal or state law to transport explosives, destructive devices, or
3 detonators in commerce with respect to the activity that is authorized.

4 (b) Members of the U.S. armed forces, the national guard, or a reserve
5 component of the U.S. armed forces, while on active duty or in training, who are
6 authorized to use explosives, destructive devices, or detonators.

7 (c) Law enforcement officers or fire fighters, while on active duty or in training,
8 who are authorized to use explosives, destructive devices, or detonators.

9 (d) Persons conducting research or education concerning explosives,
10 destructive devices, detonators, or weapons of mass destruction on behalf of a
11 university, college, technical college, or secondary school, if the research or education
12 is authorized by the university, college, technical college, or secondary school and is
13 not otherwise prohibited by law.

14 (7) EXCEPTIONS FOR CERTAIN ACTS. Subsections (2) and (3) do not apply to the
15 manufacture, purchase, sale, offer to sell, transfer, distribution, or possession of the
16 following:

17 (a) Fireworks, as defined in s. 167.10 (1), by persons authorized under s. 167.10
18 to manufacture, sell, transport, use, or possess fireworks except if the firework is
19 used as a component of a destructive device or a weapon of mass destruction.

20 (b) Pesticides approved for use under federal law or fertilizer, if the pesticides
21 or fertilizer are intended to be used for agricultural purposes.

22 (c) Ammunition for firearms or components for ammunition for firearms that
23 are designed to shoot no more than one shot without manual reloading.

24 (d) An explosive for use in a medicine as prescribed in the most recent U.S.
25 pharmacopoeia and national formulary.

1 (8) EVIDENCE. A photograph, electronic image, videotape, or other identifying
2 evidence of an explosive, destructive device, detonator, or weapon of mass
3 destruction that is properly authenticated as provided under ch. 909 is admissible
4 as evidence in lieu of the actual explosive, destructive device, detonator, or weapon
5 of mass destruction in any action or proceeding concerning an explosive, destructive
6 device, detonator, or weapon of mass destruction.

7 *~~4097/P2.25~~* SECTION 95. 947.08 of the statutes is created to read:

8 **947.08 Material support of terrorism.** (1) In this section:

9 (a) "Act of terrorism" means a crime that satisfies s. 939.648 (2) (a), (b), and (c)
10 or an act that would satisfy s. 939.648 (2) (a), (b), and (c) if committed in this state.

11 (b) "Material support" means any of the following:

- 12 1. Currency or securities.
- 13 2. Financial services.
- 14 3. Personnel.
- 15 4. Transportation.
- 16 5. Training, expert advice, or assistance.
- 17 6. Lodging, safe houses, or other facilities.
- 18 7. False documentation or identification.
- 19 8. Any physical assets, including communications equipment, dangerous
20 weapons, poisonous substances, and explosives.

21 (c) "Solicit" means to request, directly or indirectly, a grant or pledge of material
22 support, whether or not the person soliciting receives any grant or pledge of material
23 support.

24 (2) No person may do any of the following:

1 (a) Solicit or collect material support if he or she knows or has reason to know
2 that the material support is intended to be used in whole or in part to plan, prepare,
3 commit, or escape after committing an act of terrorism.

4 (b) Provide material support to another if he or she knows or has reason to know
5 that the material support is intended to be used in whole or in part to plan, prepare,
6 commit, or escape after committing an act of terrorism.

7 (3) A person who violates sub. (2) is guilty of a Class C felony.

8 *~~4097/P2.26~~ **SECTION 96.** 968.26 of the statutes is renumbered 968.26 (1)
9 and amended to read:

10 968.26 (1) If a person complains to a judge that he or she has reason to believe
11 that a crime has been committed within his or her jurisdiction, the judge shall
12 examine the complainant under oath and any witnesses produced by him or her and
13 may, and at the request of the district attorney shall, subpoena and examine other
14 witnesses to ascertain whether a crime has been committed and by whom committed.
15 The extent to which the judge may proceed in the examination is within the judge's
16 discretion. The examination may be adjourned and may be secret. Any witness
17 examined under this ~~section~~ subsection may have counsel present at the
18 examination but the counsel shall not be allowed to examine his or her client,
19 cross-examine other witnesses or argue before the judge. If it appears probable from
20 the testimony given that a crime has been committed and who committed it, the
21 complaint may be reduced to writing and signed and verified; and thereupon a
22 warrant shall issue for the arrest of the accused. Subject to s. 971.23, if the
23 proceeding is secret, the record of the proceeding and the testimony taken shall not
24 be open to inspection by anyone except the district attorney unless it is used by the
25 prosecution at the preliminary hearing or the trial of the accused and then only to

1 the extent that it is so used. A court, on the motion of a district attorney, may compel
2 a person to testify or produce evidence under s. 972.08 (1). The person is immune
3 from prosecution as provided in s. 972.08 (1), subject to the restrictions under s.
4 972.085.

5 ***-4097/P2.27* SECTION 97.** 968.26 (2) of the statutes is created to read:

6 968.26 (2) Upon his or her own initiative or at the request of a district attorney,
7 the attorney general may petition the chief judge of any judicial administrative
8 district within which there is reason to investigate unlawful activity under s. 165.70
9 for an order convening a John Doe proceeding having statewide investigative
10 jurisdiction. If the chief judge grants the order, he or she may conduct the proceeding
11 or assign another judge to conduct the proceeding. The attorney general shall
12 represent the state in the proceeding. The venue of any criminal action resulting
13 from the proceeding is prescribed in s. 971.19.

14 ***-4097/P2.28* SECTION 98.** 968.265 of the statutes is created to read:

15 **968.265 Order for disclosure of depositor information.** (1) In this
16 section:

17 (a) "Depository account" means any account at a financial institution in which
18 a person may deposit money, or a safe deposit box in which a person may deposit
19 property.

20 (b) "Financial institution" means a bank, savings bank, savings and loan
21 association, credit union, insurance company, trust company, securities broker or
22 dealer, a pawnbroker, as defined in s. 134.71 (1) (e), a telegraph company, or a dealer
23 in precious metals, stones, or jewels.

24 (2) Upon the request of the attorney general or a district attorney and a
25 showing that the information requested is relevant to a criminal investigation, a

1 court shall issue an order requiring any financial institution to disclose to the
2 attorney general or district attorney whether the person named in the order has a
3 depository account with the financial institution or whether the person has had a
4 depository account with the financial institution at a prior specified time. Any
5 person who intentionally violates such an order may be punished under ch. 785.

6 ***-4097/P2.29* SECTION 99.** 968.27 (intro.) of the statutes is amended to read:

7 **968.27 Definitions.** (intro.) In ss. ~~968.28~~ 968.275 to 968.37:

8 ***-4301/P1.2* SECTION 100.** 968.27 (14m) of the statutes is created to read:

9 968.27 (14m) "Roving interception order" means an order granting an
10 application made under s. 968.30 (1) or (6m) with respect to which the requirements
11 of s. 968.30 (11) (a) or (b) have been met.

12 ***-4097/P2.30* SECTION 101.** 968.275 of the statutes is created to read:

13 **968.275 Order for disclosure of subscriber information.** (1) Upon the
14 request of the attorney general or a district attorney and a showing that the
15 information requested is relevant to a criminal investigation, a court shall issue an
16 order requiring any electronic communications service provider to disclose to the
17 attorney general or district attorney whether the person identified in the order is or
18 was a subscriber or customer of the service provider at a specified time and, if the
19 person is or was a subscriber or customer, requiring the electronic communications
20 service provider to provide the following information regarding the person:

21 (a) Name.

22 (b) Address.

23 (c) Local and long distance telephone connection records, or records of times
24 and duration of service usage.

25 (d) Start date and length of service.

1 (e) Types of services provided.

2 (f) Telephone or instrument number or other subscriber number or identity,
3 including any temporarily assigned network address.

4 (g) The means and sources of payment for services, including any credit card
5 or bank account number used.

6 (2) Any person who intentionally violates an order under sub. (1) may be
7 punished under ch. 785.

8 *-4301/P1.3* SECTION 102. 968.28 of the statutes is amended to read:

9 **968.28 Application for court order to intercept communications.** The
10 attorney general together with the district attorney of any county may approve a
11 request of an investigative or law enforcement officer to apply to the chief judge of
12 the judicial administrative district for the county where the interception is to take
13 place for an order authorizing or approving the interception of wire, electronic or oral
14 communications. The chief judge may under s. 968.30 grant an order authorizing or
15 approving the interception of wire, electronic or oral communications by
16 investigative or law enforcement officers having responsibility for the investigation
17 of the offense for which the application is made. The authorization shall be permitted
18 only if the interception may provide or has provided evidence of the commission of
19 the offense of homicide, felony murder, kidnapping, commercial gambling, bribery,
20 extortion, dealing in controlled substances or controlled substance analogs, a
21 computer crime that is a felony under s. 943.70, or any conspiracy to commit any of
22 the foregoing offenses, any felony that is dangerous to life, limb, or property.

23 *-4301/P1.4* SECTION 103. 968.30 (1) (intro.) of the statutes is amended to
24 read:

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1 968.30 (1) (intro.) Each application for an order authorizing or approving the
2 interception of a wire, electronic or oral communication shall be made in writing
3 upon oath or affirmation to the court and shall state the applicant's authority to
4 make the application and may be upon personal knowledge or information and belief.
5 Each Subject to sub. (11), each application shall include the following information:

6 *~~4301/P1.5~~* **SECTION 104.** 968.30 (4) (intro.) of the statutes is amended to
7 read:

8 968.30 (4) (intro.) Each Subject to sub. (11), each order authorizing or
9 approving the interception of any wire, electronic or oral communication shall
10 specify:

11 *~~4301/P1.6~~* **SECTION 105.** 968.30 (5) of the statutes is renumbered 968.30 (5)
12 (a) and amended to read:

13 968.30 (5) (a) No order entered under this section may authorize or approve the
14 interception of any wire, electronic or oral communication for any period longer than
15 is necessary to achieve the objective of the authorization, nor in any event longer
16 than 30 days. The 30-day period begins on the earlier of the day on which the
17 investigative or law enforcement officer first begins to conduct an interception under
18 the order or 10 days after the order is entered. Extensions of an order may be
19 granted, but only upon application for an extension made in accordance with sub. (1)
20 and the court making the findings required by sub. (3). The period of extension shall
21 be no longer than the authorizing judge deems necessary to achieve the purposes for
22 which it was granted and in no event be for longer than 30 days. Every order and
23 extension thereof shall contain a provision stating that it terminates upon
24 attainment of the authorized objective or in any event in 30 days. This paragraph
25 does not apply to an order entered under sub. (6m).

1 (b) Every order entered under this section and every extension of such an order
2 shall contain a provision stating that the authorization to intercept shall be executed
3 as soon as practicable, and shall be conducted in such a way as to minimize the
4 interception of communications not otherwise subject to interception under this
5 chapter, ~~and must terminate upon attainment of the authorized objective, or in any~~
6 ~~event in 30 days.~~ In the event the intercepted communication is in a code or foreign
7 language, and an expert in that foreign language or code is not reasonably available
8 during the interception period, minimization may be accomplished as soon as
9 practicable after the interception.

10 *~~4301/P1.7~~ SECTION 106. 968.30 (6m) of the statutes is created to read:

11 968.30 (6m) (a) In this subsection:

12 1. "Applicant" means a person applying for an order under this subsection.

13 2. "Chief judge" means the chief judge of the judicial administrative district in
14 which the interception of a communication has occurred or is to occur.

15 3. "Emergency situation" means a situation involving immediate danger of
16 death or great bodily harm.

17 4. "Great bodily harm" has the meaning given in s. 939.22 (14).

18 5. "Interceptable communication" means a communication the interception of
19 which is permitted under an order entered under par. (e).

20 (b) Notwithstanding sub. (1), in an emergency situation, an investigative or law
21 enforcement officer may apply by telephone, radio, or other means of electronic
22 communication under pars. (c) and (d) for an order authorizing the interception of
23 wire, electronic, or oral communications if all of the following apply:

24 1. The attorney general or the district attorney for the county in which the
25 interception is to occur has authorized the application.

1 2. If only one of the attorneys listed in subd. 1. has authorized the application,
2 the attorney who has done so has provided written notice to the other attorney of his
3 or her authorization.

4 3. Complying with sub. (1) may increase or prolong the risk of death or great
5 bodily harm that the emergency situation involves.

6 (c) An investigative or law enforcement officer may apply for an order under
7 this subsection with the chief judge. At the outset of his or her communication with
8 the court, the applicant shall identify himself or herself and the purpose of the
9 communication. The court shall then place under oath the applicant and any other
10 person providing information in support of the application. Each oath and all of the
11 remaining communication must be recorded, transcribed, and filed in the same
12 manner as an application for a search warrant under s. 968.12 (3) (d), except that the
13 transcript and any recording must be filed within 48 hours after the entry of an order
14 granting an application under this subsection.

15 (d) The applicant shall provide the court the following:

- 16 1. The name of the attorney authorizing the application.
17 2. The information described under sub. (1) (b), (c), and (e).
18 3. Evidence that an emergency situation exists.
19 4. Evidence that complying with sub. (1) may increase or prolong the risk of
20 death or great bodily harm that the emergency situation involves.

21 (e) The court shall grant the application if it finds that that an emergency
22 situation exists, that compliance by the applicant with sub. (1) would increase or
23 prolong the risk of death or great bodily harm that the emergency situation involves,
24 and that sub. (3) (a) to (d) applies. The court shall record on the order the time at
25 which it is entered and shall include in the order a provision stating that the order

1 expires upon the attainment of the authorized objective, the denial of a written
2 application filed under par. (f), or the passage of 48 hours, whichever occurs first.

3 (f) Within 48 hours after the entry of an order under par. (e), the applicant shall
4 file a retroactive application under sub. (1) with the chief judge asking the court to
5 approve the interception of communications which has occurred, is occurring, or will
6 occur under the order entered under par. (e). The court shall proceed as if the
7 application were an original application and shall, within that 48 hour time period,
8 approve or deny the application.

9 (g) Any order entered under par. (e) shall expire immediately if any of the
10 following occur:

11 1. The interceptable communication is intercepted.

12 2. Forty-eight hours pass after the entry of the order, and the applicant does
13 not file an application under par. (f).

14 3. The chief judge denies the application under par. (f).

15 (h) Unless the chief judge approves an application under par. (f) relating to an
16 order entered under par. (e), any communication intercepted in reliance on the order
17 shall be treated as having been unlawfully intercepted.

18 *~~4301/P1.8~~ SECTION 107. 968.30 (7) (d) (intro.) of the statutes is amended
19 to read:

20 968.30 (7) (d) (intro.) Within a reasonable time but not later than 90 days after
21 ~~the filing of an application for an order of approval under par. (b) which is denied or~~
22 ~~the termination of the period of an order or extensions thereof, the issuing or denying~~
23 ~~judge shall cause to be served on the persons named in the order or the application~~
24 ~~and such other parties to intercepted communications as the judge determines is in~~
25 ~~the interest of justice, an inventory which shall include notice of all of the following:~~

1 *~~4301/P1.9~~* SECTION 108. 968.30 (11) of the statutes is created to read:

2 968.30 (11) (a) Subsections (1) (b) 2., (3) (d), and (4) (b) do not apply to an
3 application for the interception of an oral communication made under sub. (1) or (6m)
4 if all of the following apply:

5 1. The application identifies the person committing the offense described in
6 sub. (1) (b) 1. and whose communications are to be intercepted.

7 2. The application contains a full and complete statement as to why complying
8 with sub. (1) (b) 2. is not practical.

9 3. The judge finds that it is not practical for the applicant to comply with sub.
10 (1) (b) 2.

11 (b) Subsections (1) (b) 2., (3) (d), and (4) (b) do not apply to an application for
12 the interception of a wire or electronic communication made under sub. (1) or (6m)
13 if all of the following apply:

14 1. The application identifies the person believed to be committing the offense
15 described in sub. (1) (b) 1. and whose communications are to be intercepted.

16 2. Based on a showing by the applicant, the court finds that there is probable
17 cause to believe that the actions of the person identified under subd. 1. could have
18 the effect of thwarting interception from a specified facility or place.

19 3. The order authorizes the interception of communications only for the time
20 during which it is reasonable to presume that the person identified under subd. 1.
21 is or was reasonably close to the instrument through which the communications will
22 be or was transmitted.

23 (c) If, after determining that the requirements of par. (a) have been met, the
24 court issues a roving interception order, the order shall not take effect until the

1 person implementing the order ascertains the facility from which or place where the
2 communication is to be intercepted.

3 (d) If, after determining that the requirements of par. (b) have been met, the
4 court issues a roving interception order, a provider of wire or electronic
5 communications service that receives the order may move the court to modify or
6 quash the order on the ground that it cannot assist with the interception in a timely
7 or reasonable fashion. The court, upon notice to the attorney general and the district
8 attorney, shall decide such a motion expeditiously.

9 ***-4301/P1.10* SECTION 109.** 968.31 (2) (am) of the statutes is created to read:

10 968.31 (2) (am) 1. For a person to provide information, facilities, or technical
11 assistance to any person authorized by law to intercept wire, oral, or electronic
12 communications if any of the following apply:

13 a. The judge authorizing the interception has ordered the person to provide the
14 specified assistance, the person has been provided with a copy of the court's order,
15 and the order meets the requirements of subd. 2.

16 b. The attorney general, the district attorney, or a person authorized to
17 intercept communications under an order entered under s. 968.30 (6m) provides the
18 person a written certification that meets the requirements of subd. 2. and that states
19 that no warrant or court order is required by law, that all statutory requirements
20 have been met, and that the specified assistance is required.

21 2. An order or certification under subd. 1. shall specify the information,
22 facilities, or technical assistance required and shall set forth the period of time
23 during which the provision of the specified assistance is authorized.

24 3. No person providing assistance under this paragraph with respect to any
25 interception or surveillance may disclose any information regarding the existence of

1 the interception or surveillance or any information regarding any device used to
2 accomplish the interception or surveillance unless all of the following apply:

3 a. The person is required to disclose the information by legal process.

4 b. The person first notifies the attorney general or the district attorney.

5 ***-4301/P1.11* SECTION 110.** 968.31 (2g) of the statutes is created to read:

6 968.31 (2g) (a) Any person whose wire, electronic, or oral communication is
7 intercepted, disclosed or used in violation of ss. 968.28 to 968.37 shall have a civil
8 cause of action against any person who intercepts, discloses, or uses, or procures any
9 other person to intercept, disclose, or use, the communication.

10 (b) Any person whose wire, electronic, or oral communication is intercepted has
11 a cause of action against any person who violates sub. (2) (am) 3. with respect to that
12 communication.

13 ***-4301/P1.12* SECTION 111.** 968.31 (2m) (intro.) of the statutes is repealed and
14 recreated to read:

15 968.31 (2m) A person bringing an action under sub. (2g) who prevails in such
16 an action shall be entitled to recover all of the following:

17 ***-4301/P1.13* SECTION 112.** 968.31 (3) of the statutes is amended to read:

18 968.31 (3) Good faith reliance on a court order ~~or on s. 968.30 (7)~~ shall constitute
19 a complete defense to any civil or criminal action brought under ss. 968.28 to 968.37.

20 ***-4097/P2.31* SECTION 113.** 968.40 (1) of the statutes is renumbered 968.40
21 (1) (b).

22 ***-4097/P2.32* SECTION 114.** 968.40 (1) (a) of the statutes is created to read:

23 968.40 (1) (a) Upon his or her own initiative or at the request of a district
24 attorney, the attorney general may petition the chief judge of any judicial
25 administrative district within which there is reason to investigate unlawful activity

1 under s. 165.70 for an order to select a grand jury list and impanel a grand jury
2 having statewide jurisdiction. The grand jury may be selected in any county in the
3 judicial administrative district. The chief judge may preside over the grand jury or
4 assign another judge to preside. The attorney general shall represent the state in
5 any proceeding under this paragraph. The venue of any indictment returned by the
6 grand jury is as prescribed in s. 971.19.

7 *~~4077/P2.29~~* SECTION 115. 969.02 (4m) of the statutes is amended to read:

8 969.02 (4m) Any person who is charged with a misdemeanor and released
9 under this section shall comply with s. ~~940.49~~ 946.648. The person shall be given
10 written notice of this requirement.

11 *~~4077/P2.30~~* SECTION 116. 969.03 (2m) of the statutes is amended to read:

12 969.03 (2m) Any person who is charged with a felony and released under this
13 section shall comply with s. ~~940.49~~ 946.648. The person shall be given written notice
14 of this requirement.

15 *~~4078/P2.14~~* SECTION 117. 969.08 (10) (b) of the statutes is amended to read:

16 969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4),
17 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195
18 (5), 940.20, 940.201, ^{940.204} ~~940.203~~, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25,
19 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2, or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30,
20 941.327, 943.01 (2) (c), 943.011, ^{943.0135} ~~943.013~~, 943.02, 943.03, 943.04, 943.06, 943.10,
21 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, ~~947.015~~ 947.05,
22 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30. ^{Strike} 947.07 ✓

23 *~~4079/P2.24~~* SECTION 118. 969.08 (10) (b) of the statutes is amended to read:

24 969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4),
25 940.01, 940.02, 940.03, 940.05, ~~940.06~~, 940.08, 940.09, 940.10, 940.19 (5), 940.195

~~(5), 940.20, 940.201, 940.203 940.204, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013 943.0135, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m) or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07 or 948.30.~~

~~*-4097/P2.33* SECTION 119. 969.08 (10) (b) of the statutes is amended to read:~~

~~969.08 (10) (b) "Serious crime" means any crime specified in s. 346.62 (4), 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), (1m), or (1r), 943.30, 943.32, 946.01, 946.02, 946.43, 947.015 947.07, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06, 948.07, or 948.30.~~

-4081/P2.6 SECTION 120. 971.367 of the statutes is created to read:

971.367 Crimes involving money laundering and false statements to financial institutions. (1) In any case under s. 946.78 involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

(2) In any case under s. 946.79 involving more than one violation, all violations may be prosecuted as a single crime if the violations were pursuant to a single intent and design.

-4077/P2.31 SECTION 121. 971.37 (1m) (a) 2. of the statutes is amended to read:

971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, ~~940.42, 940.43,~~

1 ~~940.44, 940.45, 940.48,~~ 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
2 946.62, 946.625, 946.63, 946.635, 946.646, 947.01, 947.012, or 947.0125 and the
3 conduct constituting the violation involved an act by the adult person against his or
4 her spouse or former spouse, against an adult with whom the adult person resides
5 or formerly resided or against an adult with whom the adult person has created a
6 child.

7 ***-4077/P2.32* SECTION 122.** 973.055 (1) (a) 1. of the statutes is amended to
8 read:

9 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified
10 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
11 940.225, 940.23, 940.285, 940.30, 940.305, 940.31, ~~940.42, 940.43, 940.44, 940.45,~~
12 ~~940.48,~~ 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 946.62, 946.625,
13 946.63, 946.635, 946.646, 947.01, 947.012, or 947.0125 or of a municipal ordinance
14 conforming to s. 940.201, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
(15) 947.01, 947.012[✓] or 947.0125; and

16 ***-4097/P2.34* SECTION 123. Initial applicability.**

17 (1) ACCESS TO LICENSE AND IDENTIFICATION CARD PHOTOGRAPHS. The treatment of
18 section [✓]343.237 (3) (d) of the statutes first applies to requests for copies of
19 photographs that are made on the effective date of this subsection.

20 (2) NAME CHANGE. The treatment of section [✓]786.36 (4) of the statutes first
21 applies to name changes made on the effective date of this subsection.

22 (3) COURT ORDERS FOR DISCLOSURE OF INFORMATION. The treatment of sections
23 968.265[✓] and 968.275[✓] of the statutes first applies to court orders for disclosure that
24 are made on the effective date of this subsection.

1 (4) JOHN DOE PROCEEDINGS. The renumbering and amendment of section 968.26
2 of the statutes and the creation of section 968.26 (2) of the statutes first apply to John
3 Does proceedings commenced on the effective date of this subsection.

4 (5) GRAND JURY PROCEEDINGS. The renumbering of section 968.40 (1) of the
5 statutes and the creation of section 968.40 (1) (a) of the statutes first apply to grand
6 jury proceedings commenced on the effective date of this subsection.

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB - 4067/rens
Rel.....

Rel. Cl. Insert:

1 prohibitions related to explosives, destructive devices, detonators, or weapons of
2 ~~NO~~ mass destruction; increased penalties for crimes committed with intent to
3 terrorize; causing bodily harm or threatening to cause bodily harm to a public
4 officer or employee and threatening to damage the property of a public officer
5 or employee; ^Acommunicating with, or harassing or intimidating, jurors;
6 threatening to cause bodily harm or property damage; providing or soliciting
7 material support for acts of terrorism; money laundering; making false
8 statements to financial institutions and the definition of [✓]personal identification
9 document; prohibitions related to automatic weapons; theft of a firearm or a
10 machine gun; interfering with disarmament of an explosive or a destructive
11 device; crimes that may entail the interception of wire, electronic, or oral
12 communication, interception of communications in emergency situations,
13 roving electronic surveillance, and providing assistance to persons authorized
14 to engage in electronic surveillance; grand jury authority; [✓]John Doe
15 proceedings; court orders for disclosure of the existence of depository accounts
16 with financial institutions; court orders for disclosure regarding subscribers of
17 electronic communications services; access to license and identification card
18 photographs; the procedure for making a legal name change; and [✓]providing
19 penalties.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

PI
LRB-4067/1 dn
RLR:.....
JLd

JoAnna, Roy, and Don:

In the interest of completing a draft this week, I held off on submitting the following questions and comments. Please let me know if you would like to address any of these issues in a redraft or with amendments.

Explosives, destructive devices, and weapons of mass destruction:

1. As we discussed I added a prohibition against activities related to components of destructive devices and components of weapons of mass destruction at proposed s. 947.07 (2) (d). In defining "device component" I followed the approach currently used to prohibit activities related to drug paraphernalia.
2. I added a definition for "incendiary." I did not add a definition of "incendiary device," because the definition of "destructive device" covers an incendiary device. "Destructive device" covers a device that contains an incendiary and is designed or configured to cause serious bodily harm, death, or property damage. I think it would be redundant to define "incendiary device" separately and list "incendiary device" under the definition of "destructive device."
3. As requested I modified the definitions of "destructive device" and "overpressure device" to include devices that are capable of causing property damage without assigning a minimum value to the property damage. Using property damage as a prohibited result in conjunction with making prohibitions related to explosives and destructive devices strict liability crimes, results in the draft covering a variety of innocent and relatively harmless activity. For example a person who inadvertently mixes two cleaning supplies in a bottle, thus creating an overpressure device, is guilty of a Class C felony if the overpressure device fractures and leaks cleaning agents on a library book. I think that either eliminating the property damage result or placing a minimum value on the property damage will tighten the prohibition sufficiently to eliminate penalizing some or the more innocent and harmless activity.
4. The crime of interfering with disarmament of explosives that is created in the bill applies to persons who interfere with disarmament of explosives or of a destructive device, but does not cover persons who interfere with disarmament of a weapon of mass destruction. Should it?

Name changes:

I did add adoption to marriage and divorce as exceptions to filing a name change under s. 786.36 (4). Without the exception for adoption, s. 786.36 (4) conflicts with provisions allowing a name change under s. 48.94, regarding provision of a new birth certificate for an adoptee, and s. 69.15 (2). I also added an exception for a name change under s. 69.15 (4m), which allows one change of name for an infant without a court order.

Financial institutions:

As requested, the ^{bill}~~draft~~ adds telegraph companies to the definition of "financial institution" for the provisions related to subpoenas for depositor account information and for the prohibitions against making false statements to financial institutions. The definition of "financial institution" at 31 USC 5312 (a) (2) lists 26 items. Many these 26 items are either incorporated in the definition in this ^{bill}~~draft~~, or are federally controlled entities. However, the ~~entities~~ I cited in the note for LRB-4081/P1 were just examples, so you may wish to consult the federal definition for the full list of entities covered under the federal definition.

entities

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